

AMENDED IN SENATE JUNE 22, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2213

Introduced by Assembly Member Fuentes

February 18, 2010

An act to amend Sections 871.5, 872, 873, and 878 of the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2213, as amended, Fuentes. Moore Universal Telephone Service Act.

The Moore Universal Telephone Service Act established the Universal Lifeline Telephone Service (ULTS) program in order to provide low-income households with access to affordable basic residential telephone service.

This bill would replace the definition of “residential” in the Moore Universal Telephone Service Act with a definition of “household” and would make conforming changes.

Existing law requires that a lifeline telephone service subscriber be provided with one single party line at his or her principal place of residence.

This bill would instead require that a lifeline telephone service subscriber be provided with one lifeline subscription, as defined by the commission, at his or her principal place of residence.

Existing law makes any public utility, as defined, and any corporation other than a public utility, that violates the Public Utilities Act, or that

fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission, guilty of a crime.

Because the provisions of this bill are within the act and require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by expanding the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Ensuring that all state residents have access to affordable,
4 reliable, and high-quality basic telephone service is a longstanding
5 policy of the state.

6 (b) To help achieve this policy, the Legislature enacted the
7 Moore Universal Telephone Service Act that created a lifeline
8 class of telephone service for low-income citizens.

9 (c) Technologies beyond traditional landline telephones are now
10 available in California and could be used to offer low-income
11 citizens access to affordable, reliable, and high-quality basic
12 telephone service.

13 (d) If alternative technologies are used to provide lifeline
14 telephone service, the technologies should provide comparable
15 access to emergency and community services as traditional landline
16 telephone service, and the commission shall ensure that low-income
17 consumers using alternative technologies continue to have access
18 to reliable, high-quality, and affordable voice telecommunications
19 services.

20 SEC. 2. Section 871.5 of the Public Utilities Code is amended
21 to read:

22 871.5. The Legislature finds and declares all of the following:

1 (a) The offering of high-quality basic telephone service at
2 affordable rates to the greatest number of citizens has been a
3 longstanding goal of the state.

4 (b) The Moore Universal Telephone Service Act has been, and
5 continues to be, an important means for achieving universal service
6 by making *basic* telephone service affordable to low-income
7 households through the creation of a lifeline class of service.

8 (c) Every means should be employed by the commission and
9 telephone corporations to ensure that every household qualified
10 to receive lifeline telephone service is informed of and is afforded
11 the opportunity to subscribe to that service.

12 (d) The furnishing of lifeline telephone service is in the public
13 interest and should be supported fairly and equitably by every
14 telephone corporation, and the commission, in administering the
15 lifeline telephone service program, should implement the program
16 in a way that is equitable, nondiscriminatory, and without
17 competitive consequences for the telecommunications industry in
18 California.

19 SEC. 3. Section 872 of the Public Utilities Code is amended
20 to read:

21 872. As used in this article, “household” means a residential
22 dwelling that is the principal place of residence of the lifeline
23 telephone service subscriber, and excludes any industrial,
24 commercial, or other nonresidential building.

25 SEC. 4. *Section 873 of the Public Utilities Code is amended*
26 *to read:*

27 873. (a) (1) The commission shall annually do all of the
28 following:

29 ~~(1)~~

30 (A) Designate a class of lifeline service necessary to meet
31 minimum ~~residential~~ communications needs.

32 ~~(2)~~

33 (B) Set the rates and charges for that service.

34 ~~(3)~~

35 (C) Develop eligibility criteria for that service.

36 ~~(4)~~

37 (D) Assess the degree of achievement of universal service,
38 including telephone penetration rates by income, ethnicity, and
39 geography.

40 This

1 (2) *This* information shall be annually reported to the Legislature
2 by the commission in a document which can be made public.

3 (b) Minimum ~~residential~~ communications needs includes, but
4 is not limited to, the ability to originate and receive calls and the
5 ability to access electronic information services.

6 ~~SEC. 4.~~

7 *SEC. 5.* Section 878 of the Public Utilities Code is amended
8 to read:

9 878. A lifeline telephone service subscriber shall be provided
10 with one lifeline subscription, as defined by the commission, at
11 his or her principal place of residence, and no other member of
12 that subscriber's family or household who maintains residence at
13 that place is eligible for lifeline telephone service.

14 An applicant for lifeline telephone service may report only one
15 address in this state as the principal place of residence.

16 ~~SEC. 5.~~

17 *SEC. 6.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.